

Notice of Allowability

Application No.

09/651,680

Examiner

Natalie A. Pass

Applicant(s)

GOYAL, ANIL K.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE & Amendment filed 6 February 2007 and Supplemental Amendment filed 28 February 2007.

2. ☒ The allowed claim(s) is/are 28 (now renumbered as 1).

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

Notice to Applicant

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 February 2007 has been entered.
2. This communication is in response to the Request for Continued Examination and amendment filed 6 February 2007 and the Supplemental Amendment filed 28 February 2007. Claims 1-28 and 29-44 have been cancelled. Claim 28 remains pending.

Claim Rejections - 35 USC § 101 & 35 USC § 112

3. The rejections of claim 28 under 35 USC § 101 & 35 USC § 112 are hereby withdrawn due to the amendments filed 6 February 2007 and 28 February 2007.

Allowable Subject Matter

4. Claim 28 (now renumbered as 1) is allowed. The following is an examiner's statement of reasons for allowance:

Claim 28 is directed to a method of accumulating and publicly reporting consumer evaluations and scorings of entities selected by consumers. The accumulating and reporting is

performed by a third-party service, which receives the selection of the entity, a choice of positive or negative category, and a monetary contribution of an amount specified by the consumer in order to indicate satisfaction or dissatisfaction with the entity. The third-party service aggregates the monetary contributions from consumers for each entity, and performs a statistical analysis on the monetary contributions for each entity, including determining how many contributions were associated with each of the positive and negative categories. When requested by a user, the third-party service reports the data related to the entity to the user.

The closest prior art of record, Sloo, U.S. Patent Number 5, 895, 450, the Ishman article, "COMPUTER CRIMES AND THE *RESPONDEAT SUPERIOR* DOCTRINE: *EMPLOYERS BEWARE!*" Spring 2000, URLs: <http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf>, <<http://www.bu.edu/law/scitech/volume6/Ishman.htm>>, and <<http://www.bu.edu/law/scitech/OLJ6.htm>> and Dahod, et al., U.S. Patent Number 6, 574, 608, disclose third party services reporting on reputations of entities, however do not disclose or fairly suggest aggregating the monetary contributions from consumers for each entity and performing a statistical analysis on the monetary contributions for each entity in order to present to the user statistical data related to the entity.

Sloo, U.S. Patent Number 5, 895, 450 teaches a consumer reporting service that allows consumers to check the reputation of a particular subject by requesting a report from a third party that details complaints against a subject, but does not but does not disclose or fairly suggest collecting a monetary contribution of an amount specified by the consumer in order to indicate satisfaction or dissatisfaction with the subject, nor does it disclose or fairly suggest the third-

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party service aggregating the monetary contributions from consumers for each subject, and performing a statistical analysis on the monetary contributions for each subject.

The Ishman article, "COMPUTER CRIMES AND THE *RESPONDEAT SUPERIOR* DOCTRINE: *EMPLOYERS BEWARE!*" Spring 2000, URLs: http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf, <http://www.bu.edu/law/scitech/volume6/Ishman.htm>, and <http://www.bu.edu/law/scitech/OLJ6.htm>, teaches allowing the Internet to damage a company's reputation, or cybersmearing, and performing statistical analysis of stored Internet data but does not disclose or fairly suggest collecting a monetary contribution of an amount specified by users in order to indicate satisfaction or dissatisfaction with a company, nor does it disclose or fairly suggest aggregating the monetary contributions from users for each company, and performing a statistical analysis on the monetary contributions for each company.

Dahod, et al., U.S. Patent Number 6, 574, 608 teaches a third party buyer and seller reporting service where buyer reputation information is represented by a numeric value that aids a seller to determine the reputation of the buyer, but does not disclose or fairly suggest collecting a monetary contribution of an amount specified by the buyer or seller in order to indicate satisfaction or dissatisfaction with the seller or buyer, nor does it disclose or fairly suggest the third-party service aggregating the monetary contributions from consumers for each subject, and performing a statistical analysis on the monetary contributions for each subject.

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5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement for Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art (FR002572209A1) (Abstract) discloses communication that can contribute to the reputation of an entity. In accordance with MPEP § 1302.12, this reference is not submitted to Applicant but will be scanned and added to the Image File Wrapper (IFW) for viewing and downloading by the applicant, if desired.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(571) 273-8300.**

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Natalie A. Pass

March 8, 2007


C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600